

# HOUSE BILL No. 1359

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-4-11; IC 3-8; IC 3-10-1; IC 20-23; IC 20-25-3-4; IC 33-33-53-5.

**Synopsis:** School board elections at general election time. Provides that school board members selected by election must be elected at general elections. Repeals obsolete statutes.

**Effective:** July 1, 2009; January 1, 2010.

**Sullivan, Torr**

January 13, 2009, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1359

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]: **Sec. 11. (a) As used in this section, "governing body"**  
4 **refers to the governing body of a school corporation that is subject**  
5 **to any of the following:**

6           (1) IC 20-23-4-30.

7           (2) IC 20-23-7-8 (before its repeal on January 1, 2010) and  
8 IC 20-23-7-8.1 (after December 31, 2009).

9           (3) IC 20-23-8-8.

10          (4) IC 20-23-10-8.

11          (5) IC 20-23-12.

12          (6) IC 20-23-13.

13          (7) IC 20-23-14.

14          (8) IC 20-25-3-4.

15       **(b) This subsection applies to a member of a governing body**  
16 **who is elected at the 2008 primary election. The successor of such**  
17 **a member shall:**



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(1) be elected at the 2012 general election; and

(2) take office January 1, 2013.

(c) This subsection applies to a member of a governing body who is elected at the 2010 primary election. The successor of such a member shall:

(1) be elected at the 2014 general election; and

(2) take office January 1, 2015.

(d) This section expires July 1, 2015.

SECTION 2. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

(1) a declaration of candidacy under this chapter for nomination to a federal or state office; and

(2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

(c) A person may not file:

(1) a declaration of candidacy for a nomination; and

(2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 3. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

(1) The title of each office.

(2) The name of each individual who has filed a request to be placed on the presidential primary ballot.

(3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.

(4) The names and addresses of all persons who have filed a

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petition of nomination for election to a school board office to be chosen at the same time as the primary election.

~~(5)~~ (4) The text of any public question to be placed on the ballot.

~~(6)~~ (5) The date of the primary election.

~~(7)~~ (6) The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 4. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]:

**Chapter 2.5. Nomination for School Board Office**

**Sec. 1. This chapter applies to a candidate for a school board office.**

**Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.**

**Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration**

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of intent to be a write-in candidate.

**Sec. 4. (a) A petition of nomination for a school board office must be filed:**

(1) not earlier than one hundred four (104) days; and

(2) not later than noon seventy-four (74) days;

before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

**(b) A declaration of intent to be a write-in candidate for a school board office must be filed:**

(1) not earlier than ninety (90) days before the general election; and

(2) not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15.

**The declaration must be subscribed and sworn to before a person authorized to administer oaths.**

SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

**OFFICIAL PRIMARY BALLOT**

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

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- 1 (B) United States Senator.
- 2 (C) Governor.
- 3 (D) United States Representative.
- 4 (2) Legislative offices:
- 5 (A) State senator.
- 6 (B) State representative.
- 7 (3) Circuit offices and county judicial offices:
- 8 (A) Judge of the circuit court, and unless otherwise specified
- 9 under IC 33, with each division separate if there is more than
- 10 one (1) judge of the circuit court.
- 11 (B) Judge of the superior court, and unless otherwise specified
- 12 under IC 33, with each division separate if there is more than
- 13 one (1) judge of the superior court.
- 14 (C) Judge of the probate court.
- 15 (D) Judge of the county court, with each division separate, as
- 16 required by IC 33-30-3-3.
- 17 (E) Prosecuting attorney.
- 18 (F) Circuit court clerk.
- 19 (4) County offices:
- 20 (A) County auditor.
- 21 (B) County recorder.
- 22 (C) County treasurer.
- 23 (D) County sheriff.
- 24 (E) County coroner.
- 25 (F) County surveyor.
- 26 (G) County assessor.
- 27 (H) County commissioner.
- 28 (I) County council member.
- 29 (5) Township offices:
- 30 (A) Township assessor (only in a township referred to in
- 31 IC 36-6-5-1(d)).
- 32 (B) Township trustee.
- 33 (C) Township board member.
- 34 (D) Judge of the small claims court.
- 35 (E) Constable of the small claims court.
- 36 (6) City offices:
- 37 (A) Mayor.
- 38 (B) Clerk or clerk-treasurer.
- 39 (C) Judge of the city court.
- 40 (D) City-county council member or common council member.
- 41 (7) Town offices:
- 42 (A) Clerk-treasurer.

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(B) Judge of the town court.

(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

~~(1) School board offices to be elected at the primary election.~~

~~(2) Other~~ (1) Local offices to be elected at the primary election.

~~(3) (2)~~ Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 6. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) ~~This subsection applies to a school board office or political~~

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office to be elected at the primary election ballot. Candidates for a school board office or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

SECTION 7. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 32. Primary election returns must contain the whole number of votes cast for **each of the following:**

- (1) Each candidate of each political party.
- (2) Each public question voted on at the primary election. ~~and~~
- (3) Each candidate for election to a ~~school board office or~~ political party office.

SECTION 8. IC 20-23-4-12, AS AMENDED BY P.L.2-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

- (1) The name of the community school corporation.
- (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
- (3) With respect to the board of school trustees, **the following:**
  - (A) Whether the number of members is:
    - (i) three (3);
    - (ii) five (5); or
    - (iii) seven (7).
  - (B) Whether the members are elected or appointed.
  - (C) If the members are appointed:
    - (i) when the appointments are made; and
    - (ii) who makes the appointments.
  - (D) If the members are elected, ~~whether that~~ the election is at
    - (i) ~~the primary election at which county officials are nominated; or~~
    - (ii) the general election at which county officials are elected.~~and~~
  - (E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.
- (4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.
- (5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:

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- 1 (A) residence; and  
 2 (B) term of office.  
 3 (6) If an existing school corporation is divided in the  
 4 reorganization, the disposition of assets and liabilities.  
 5 (7) The disposition of school aid bonds, if any.  
 6 (b) If existing school corporations are not divided in the  
 7 reorganization, the:  
 8 (1) assets;  
 9 (2) liabilities; and  
 10 (3) obligations;  
 11 of the existing school corporations shall be transferred to and assumed  
 12 by the new community school corporation of which they are a part,  
 13 regardless of whether the plan provides for transfer and assumption.  
 14 (c) The preliminary plan must be supported by a summary statement  
 15 of **the following**:  
 16 (1) The educational improvements the plan's adoption will make  
 17 possible.  
 18 (2) Data showing the:  
 19 (A) assessed valuation;  
 20 (B) number of resident students in ADA in grades 1 through  
 21 12;  
 22 (C) assessed valuation per student referred to in clause (B);  
 23 and  
 24 (D) property tax levies;  
 25 of each existing school corporation to which the plan applies.  
 26 (3) The:  
 27 (A) assessed valuation;  
 28 (B) resident ADA; and  
 29 (C) assessed valuation per student;  
 30 data referred to in subdivision 2(A) through 2(C) that would have  
 31 applied for each proposed community school corporation if the  
 32 corporation existed in the year the preliminary plan is prepared or  
 33 notice of a hearing or hearings on the preliminary plan is given by  
 34 the county committee. ~~and~~  
 35 (4) Any other data or information the county committee considers  
 36 appropriate or that may be required by the state board in its rules.  
 37 (d) The county committee:  
 38 (1) shall base the assessed valuations and tax levies referred to in  
 39 subsection (c)(2) through (c)(3) on the valuations applying to  
 40 taxes collected in:  
 41 (A) the year the preliminary plan is prepared; or  
 42 (B) the year notice of a hearing or hearings on the preliminary

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- 1 plan is given by the county committee;
- 2 (2) may base the resident ADA figures on the calculation of the
- 3 figures under the rules under which they are submitted to the state
- 4 superintendent by existing school corporations; and
- 5 (3) shall set out the resident ADA figures for:
- 6 (A) the school year in progress if the figures are available for
- 7 that year; or
- 8 (B) the immediately preceding school year if the figures are
- 9 not available for the school year in progress.

10 The county committee may obtain the data and information referred to

11 in this subsection from any source the committee considers reliable. If

12 the county committee attempts in good faith to comply with this

13 subsection, the summary statement referred to in subsection (c) is

14 sufficient regardless of whether the statement is exactly accurate.

15 (e) The general description referred to in subsection (a)(2) may

16 consist of an identification of an existing school corporation that is to

17 be included in its entirety in the community school corporation. If a

18 boundary does not follow the boundary of an existing civil unit of

19 government or school corporation, the description must set out the

20 boundary:

- 21 (1) as near as reasonably possible by:
- 22 (A) streets;
- 23 (B) rivers; and
- 24 (C) other similar boundaries;
- 25 that are known by common names; or
- 26 (2) if descriptions as described in subdivision (1) are not possible,
- 27 by section lines or other legal description.

28 The description is not defective if there is a good faith effort by the

29 county committee to comply with this subsection or if the boundary

30 may be ascertained with reasonable certainty by a person skilled in the

31 area of real estate description. The county committee may require the

32 services of the county surveyor in preparing a description of a boundary

33 line.

- 34 (f) A member of the board of school trustees:
- 35 (1) may not serve an appointive or elective term of more than four
- 36 (4) years; and
- 37 (2) may serve more than one (1) consecutive appointive or
- 38 elective term.

39 SECTION 9. IC 20-23-4-29.1 IS ADDED TO THE INDIANA

40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

41 [EFFECTIVE JANUARY 1, 2010]: **Sec. 29.1. (a) This section applies**

42 **to each school corporation.**

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1 (b) If a plan provides for election of members of the governing  
2 body, the members of the governing body shall be elected at a  
3 general election. Each candidate must in accordance with  
4 IC 3-8-2.5 file a petition of nomination that is signed by the  
5 candidate and by ten (10) registered voters residing within the  
6 boundaries of the community school corporation. The filing must  
7 be made within the time specified by IC 3-8-2.5-4.

8 (c) All nominations shall be listed for each office in the form  
9 prescribed by IC 3-11-2, but without party designation. Voting and  
10 tabulation of votes shall be conducted in the same manner as voting  
11 and tabulation in general elections are conducted. The precinct  
12 election boards serving in each county shall conduct the election  
13 for members of the governing body. If a school corporation is  
14 located in more than one (1) county, each county election board  
15 shall print the ballots required for voters in that county to vote for  
16 candidates for members of the governing body.

17 (d) If the plan provides that the members of the governing body  
18 shall be elected by all the voters of the community school  
19 corporation, candidates shall be placed on the ballot in the form  
20 prescribed by IC 3-11-2, without party designation. The candidates  
21 who receive the most votes are elected.

22 (e) If the plan provides that members of the governing body are  
23 to be elected from residence districts by all voters in the  
24 community school corporation, nominees for the governing body  
25 shall be placed on the ballot in the form prescribed by IC 3-11-2,  
26 by residence districts without party designation. The ballot must  
27 state the number of members to be voted on and the maximum  
28 number of members that may be elected from each residence  
29 district as provided in the plan. A ballot is not valid if more than  
30 the maximum number of members are voted on from a board  
31 member residence district. The candidates who receive the most  
32 votes are elected. However, if more than the maximum number  
33 that may be elected from a residence district are among those  
34 receiving the most votes, the candidates from the residence districts  
35 exceeding the maximum number who receive the fewest votes shall  
36 be eliminated in determining the candidates who are elected.

37 (f) If the plan provides that members of the governing body are  
38 to be elected from electoral districts solely by the voters of each  
39 district, nominees residing in each electoral district shall be placed  
40 on the ballot in the form prescribed by IC 3-11-2, without party  
41 designation. The ballot must state the number of members to be  
42 voted on from the electoral district. The candidates residing in the

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electoral district who receive the most votes are elected.

SECTION 10. IC 20-23-4-30, AS ADDED BY P.L.230-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 30. (a) This section applies to each school corporation.

~~(b) If the governing body is to be elected at the primary election; each registered voter may vote in the governing body election without otherwise voting in the primary election:~~

~~(c)~~ (b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

~~(d)~~ (c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

~~(e)~~ (d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

~~(f)~~ (e) At the first ~~primary~~ or general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

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~~(g) (f) Elected~~ governing body members ~~elected~~:

~~(1) in November~~ take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. ~~and~~  
~~(2) in May~~ take office and assume their duties on July 1 after their election:

SECTION 11. IC 20-23-7-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. (a) The first metropolitan board of education shall be composed of the:

(1) trustees; and

(2) members of school boards;

of the school corporations forming the metropolitan board of education.

(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board member not more than ten (10) days after the creation of the metropolitan school district. If the two (2) members are unable to agree on or do not make the appointment of a third board member within the ten (10) day period after the creation of the metropolitan school district, the third member shall be appointed not more than twenty (20) days after the creation of the metropolitan school district by the judge of the circuit court of the county in which the metropolitan school district is located. If the metropolitan school district is located in two (2) or more counties, the judge of the circuit court of the county containing that part of the metropolitan school district having more students than the part or parts located in another county or counties shall appoint the third member. The members of the metropolitan board of education serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first metropolitan board of education shall be held not more than one (1) month after the creation of the metropolitan school district. The first meeting shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in the district having the largest number of students. At the first meeting, the board shall organize, and **each year** during the first ten (10) days ~~of each July~~ **after the board members that are elected or appointed to a new term take office**, the board shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

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(e) The secretary of the board shall keep an accurate record of the minutes of the metropolitan board of education, and the minutes shall be kept in the superintendent's office. When a metropolitan school district is formed, the metropolitan superintendent shall act as administrator of the board and shall carry out the acts and duties as designated by the board. A quorum consists of a majority of the members of the board. A quorum is required for the transaction of business. The vote of a majority of those present is required for a:

- (1) motion;
- (2) ordinance; or
- (3) resolution;

to pass.

(f) The board shall conduct its affairs in the manner described in this section. Except in unusual cases, the board shall hold its meetings at the office of the metropolitan superintendent or at a place mutually designated by the board and the superintendent. Board records are to be maintained and board business is to be conducted from the office of the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:

- (1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and
- (2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

**SECTION 12. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.**

**(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.**

**(c) Nominees for the board shall be listed on the general election**

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1 ballot:

2 (1) in the form prescribed by IC 3-11-2;

3 (2) by board member districts; and

4 (3) without party designation.

5 The ballot must state the number of board members to be voted on  
6 and the maximum number of members that may be elected from  
7 each board member district as provided under section 5 of this  
8 chapter. A ballot that contains more votes than the maximum  
9 number allowed from a board member district is invalid.

10 (d) The precinct election boards in each county serving at the  
11 general election shall conduct the election for school board  
12 members.

13 (e) Voting and tabulation of votes shall be conducted in  
14 accordance with IC 3, and the candidates who receive the most  
15 votes are elected to the board.

16 (f) If there are more candidates from a particular board  
17 member district than may be elected from the board member  
18 district under section 5 of this chapter:

19 (1) the number of candidates elected is the greatest number  
20 that may be elected from the board member district;

21 (2) the candidates elected are those who, among the  
22 candidates from the board member district, receive the most  
23 votes; and

24 (3) the other candidates from the board member district are  
25 eliminated.

26 (g) If there is a tie vote among the candidates for the board, the  
27 judge of the circuit court in the county where the majority of the  
28 registered voters of the metropolitan school district reside shall  
29 select one (1) of the candidates, who shall be declared and certified  
30 elected.

31 (h) If, at any time after the first board member election, a  
32 vacancy on the board occurs for any reason, including an  
33 insufficient number of petitions for candidates being filed, and  
34 regardless of whether the vacating member was elected or  
35 appointed, the remaining members of the board, whether or not a  
36 majority of the board, shall by a majority vote fill the vacancy by:

37 (1) appointing a person from the board member district from  
38 which the person who vacated the board was elected; or

39 (2) if the person was appointed, appointing a person from the  
40 board member district from which the last elected  
41 predecessor of the person was elected.

42 If a majority of the remaining members of the board is unable to

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1 agree or the board fails to act within thirty (30) days after a  
 2 vacancy occurs, the judge of the circuit court in the county where  
 3 the majority of registered voters of the metropolitan school district  
 4 reside shall make the appointment.

5 (i) At a general election held on the earlier of:

6 (1) more than sixty (60) days after an elected board member  
 7 vacates membership on the board; or

8 (2) immediately before the end of the term for which the  
 9 vacating member was elected;

10 a successor to a board member appointed under subsection (h)  
 11 shall be elected. Unless the successor takes office at the end of the  
 12 term of the vacating member, the member shall serve only for the  
 13 balance of the vacating member's term. In an election for a  
 14 successor board member to fill a vacancy for a two (2) year  
 15 balance of a term, candidates for board membership need not file  
 16 for or with reference to the vacancy. However, as required by  
 17 IC 3-11-2, candidates for at-large seats must be distinguished on  
 18 the ballot from candidates for district seats. If there is more than  
 19 one (1) at-large seat on the ballot due to this vacancy, the elected  
 20 candidate who receives the fewest votes at the election at which the  
 21 successor is elected shall serve for a two (2) year term.

22 (j) At the first general election in which members of the board  
 23 are elected under this section, the elected candidates who constitute  
 24 a simple majority of the elected candidates and who receive the  
 25 most votes shall be elected for four (4) year terms and the other  
 26 elected candidates shall be elected for two (2) year terms.

27 (k) After the first general election referred to in subsection (j),  
 28 board members shall be elected for four (4) year terms and shall  
 29 take office January 1 following their election.

30 SECTION 13. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,  
 31 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JANUARY 1, 2010]: Sec. 12. (a) As used in this section,  
 33 "county" means the county in which the school township is located.

34 (b) As used in this section, "school township" means a school  
 35 township in Indiana that:

36 (1) for the last full school semester immediately preceding:

37 (A) the adoption of a preliminary resolution by the township  
 38 trustee and the township board under subsection (f); or

39 (B) the adoption of a resolution of disapproval by the township  
 40 trustee and the township board under subsection (g);

41 had an ADM of at least six hundred (600) students in  
 42 kindergarten through grade 12 in the public schools of the school

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1 township; or

2 (2) is part of a township in which there were more votes cast for  
3 township trustee outside the school township than inside the  
4 school township in the general election at which the trustee was  
5 elected and that preceded the adoption of the preliminary or  
6 disapproving resolution.

7 (c) As used in this section, "township board" means the township  
8 board of a township in which the school township is located.

9 (d) As used in this section, "township trustee" means the township  
10 trustee of the township in which the school township is located.

11 (e) In a school township, a metropolitan school district may be  
12 created by complying with this section. A metropolitan school district  
13 created under this section shall have the same boundaries as the school  
14 township. After a district has been created under this section, the  
15 school township that preceded the metropolitan school district is  
16 abolished. The procedures or provisions governing the creation of a  
17 metropolitan school district under another section of this chapter do not  
18 apply to the creation of a district under this section. After a  
19 metropolitan school district is created under this section, the district  
20 shall, except as otherwise provided in this section, be governed by and  
21 operate in accordance with this chapter governing the operation of a  
22 metropolitan school district as established under section 2 of this  
23 chapter.

24 (f) Except as provided in subsection (g), a metropolitan school  
25 district provided for in subsection (e) may be created in the following  
26 manner:

27 (1) The township trustee shall call a meeting of the township  
28 board. At the meeting, the township trustee and a majority of the  
29 township board shall adopt a resolution that a metropolitan school  
30 district shall be created in the school township. The township  
31 trustee shall then give notice:

32 (A) by two (2) publications one (1) week apart in a newspaper  
33 of general circulation published in the school township; or

34 (B) if there is no newspaper as described in clause (A), in a  
35 newspaper of general circulation in the county;

36 of the adoption of the resolution setting forth the text of the  
37 resolution.

38 (2) On the thirtieth day after the date of the last publication of the  
39 notice under subdivision (1) and if a protest has not been filed, the  
40 township trustee and a majority of the township board shall  
41 confirm their preliminary resolution. If, however, on or before the  
42 twenty-ninth day after the date of the last publication of the

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notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the

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1 county election board under IC 3-10-9-3 and give notice of an election:

2 (1) by two (2) publications one (1) week apart in a newspaper of  
3 general circulation in the school township; or

4 (2) if a newspaper described in subdivision (1) does not exist, in  
5 a newspaper of general circulation published in the county.

6 The notice must provide that on a day and time named in the notice, the  
7 polls shall be opened at the usual voting places in the various precincts  
8 in the school township for the purpose of taking the vote of the  
9 registered voters of the school township regarding whether a  
10 metropolitan school district shall be created in the township. The  
11 election shall be held not less than twenty (20) days and not more than  
12 thirty (30) days after the last publication of the notice unless a primary  
13 or general election will be conducted not more than six (6) months after  
14 the publication. In that case, the county election board shall place the  
15 public question on the ballot at the primary or general election. If the  
16 election is to be a special election, the township trustee shall give  
17 notice not more than thirty (30) days after the filing of the petition or  
18 the adoption of the disapproving resolution.

19 (i) On the day and time named in the notice, the polls shall be  
20 opened and the votes of the voters shall be taken regarding whether a  
21 metropolitan school district shall be created in the school township.  
22 IC 3 governs the election except as otherwise provided in this chapter.  
23 The county election board shall conduct the election. The public  
24 question shall be placed on the ballot in the form prescribed by  
25 IC 3-10-9-4 and must state, "Shall a metropolitan school district under  
26 IC 20-23-7 be formed in the \_\_\_\_\_ School Township of  
27 \_\_\_\_\_ County, Indiana?". The name of the school township  
28 shall be inserted in the blanks.

29 (j) The votes cast in the election shall be canvassed at a place in the  
30 school township determined by the county election board. The  
31 certificate of the votes cast for and against the creation of a  
32 metropolitan school district shall be filed in the records of the township  
33 board and recorded with the county recorder. If the special election is  
34 not conducted at a primary or general election, the school township  
35 shall pay the expense of holding the election out of the school general  
36 fund that is appropriated for this purpose.

37 (k) A metropolitan school district shall, subject to section 7 of this  
38 chapter, be created on the thirtieth day after the date of the adoption of  
39 the confirming resolution under subsection (f) or an election held under  
40 subsection (h). If a public official fails to do the official's duty within  
41 the time prescribed in this section, the failure does not invalidate the  
42 proceedings taken under this section. An action to contest the validity

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of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of \_\_\_\_\_ Township, \_\_\_\_\_ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and **§ 8.1** of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until **July + January 1** following the election of a metropolitan school board at the first **primary general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent

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of the district provided in this chapter.

SECTION 14. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

(A) three (3);

(B) five (5); or

(C) seven (7);

members.

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected, and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

**(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.**

(5) The limitations on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 15. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

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~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

SECTION 16. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and

(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

SECTION 17. IC 20-23-12-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) In a **primary general** election ~~held~~ in the county.

(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

(1) is the at-large member of the governing body;

(2) may reside in any of the districts drawn under section 4 of this chapter; and

(3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 18. IC 20-23-12-8, AS ADDED BY P.L.1-2005,

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SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on the governing body

(1) is four (4) years. and

(2) begins

(b) The term of each person elected to serve on the governing body begins the July 1 that next follows the person's election.

SECTION 19. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the primary general election to be held in 2008 2012 and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the primary general election to be held in 2006 2010 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the primary general election to be held in 2008 2012 and every four (4) years thereafter.

SECTION 20. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members; each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(c) At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members; each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

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1        ~~(d)~~ **(b)** The governing body members shall be elected at the times  
 2 provided and shall succeed the retiring members in the order and  
 3 manner as set forth in this ~~section~~ **chapter**.

4        SECTION 21. IC 20-23-13-2.1 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JANUARY 1, 2010]: **Sec. 2.1. (a) As used in this**  
 7 **section, "county election board" includes a board of elections and**  
 8 **registration established by IC 3-6-5.2.**

9        **(b) The voters of the school corporation shall elect the members**  
 10 **of the governing body at a general election for a term of four (4)**  
 11 **years. The members shall be elected from the city at large without**  
 12 **reference to district.**

13        **(c) Each candidate for election to the governing body must file**  
 14 **a petition of nomination with the county election board in each**  
 15 **county in which a school corporation subject to this chapter is**  
 16 **located. The petition of nomination must comply with IC 3-8-2.5**  
 17 **and the following requirements:**

18            **(1) The petition must be signed by at least two hundred (200)**  
 19 **legal voters of the school corporation.**

20            **(2) Each petition may nominate only one (1) candidate.**

21            **(3) The number of petitions signed by a legal voter may not**  
 22 **exceed the number of school trustees to be elected.**

23        **(d) After all the petitions described in subsection (c) are filed**  
 24 **with the county election board, the board shall publish the names**  
 25 **of those nominated in accordance with IC 5-3-1 and shall certify**  
 26 **the nominations in the manner required by law. IC 3 governs the**  
 27 **election to the extent that it is not inconsistent with this chapter.**

28        **(e) The county election board shall prepare the ballot for the**  
 29 **general election at which members of the governing body are to be**  
 30 **elected so that the names of the candidates nominated appear on**  
 31 **the ballot:**

32            **(1) in alphabetical order;**

33            **(2) without party designation; and**

34            **(3) in the form prescribed by IC 3-11-2.**

35        **(f) The county election board shall not publish or place on the**  
 36 **ballot the name of a candidate who is not eligible under this**  
 37 **chapter for membership on the governing body.**

38        **(g) Each voter may vote for as many candidates as there are**  
 39 **members of the governing body to be elected.**

40        SECTION 22. IC 20-23-13-3, AS ADDED BY P.L.1-2005,  
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JANUARY 1, 2010]: **Sec. 3. The intent of this chapter is to provide that**

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the governing body of the school corporations to which it relates shall be elected as provided in:

- (1) IC 20-23-4-27; ~~and IC 20-23-4-29 through~~
- (2) **IC 20-23-4-29.1;**
- (3) **IC 20-23-4-30; and**
- (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 23. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

- (A) The name of the prospective candidate.
- (B) Whether the prospective candidate is a district candidate or an at-large candidate.
- (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
- (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.
- (2) Each prospective candidate for a district position must:
  - (A) reside in the district; and
  - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
  - (A) reside in the school corporation; and
  - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.
- (4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
  - (A) be a registered voter;
  - (B) have been a registered voter for at least the three (3) years immediately preceding the election; and
  - (C) be a high school graduate or have received a:
    - (i) high school equivalency certificate; or
    - (ii) state general educational development (GED) diploma under IC 20-20-6.

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(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

SECTION 24. IC 20-23-14-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on the governing body

~~(1)~~ is four (4) years. ~~and~~

~~(2)~~ begins

(b) The term of each person elected to serve on the governing body begins on the July + January 1 that next follows the person's election.

SECTION 25. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

SECTION 26. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in **primary general** elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

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(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 27. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

(1) Ensure that the court operates efficiently and judicially under rules adopted by the court.

(2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:

(A) the operation of the circuit's probation department;

(B) the defense of indigents; and

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- 1 (C) maintaining an adequate law library.  
 2 (3) Make the appointments or selections required of a circuit or  
 3 superior court judge under the following statutes:  
 4 IC 8-4-21-2  
 5 IC 11-12-2-2  
 6 IC 16-22-2-4  
 7 IC 16-22-2-11  
 8 IC 16-22-7  
 9 IC 20-23-4  
 10 IC 20-23-7-6  
 11 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**  
 12 IC 20-26-7-8  
 13 IC 20-26-7-14  
 14 IC 20-47-2-15  
 15 IC 20-47-3-13  
 16 IC 36-9  
 17 IC 36-10  
 18 IC 36-12-10-10.  
 19 (4) Make appointments or selections required of a circuit or  
 20 superior court judge by any other statute, if the appointment or  
 21 selection is not required of the court because of an action before  
 22 the court.  
 23 SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 24 JANUARY 1, 2010]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8;  
 25 IC 20-23-13-2.

**c**  
**o**  
**p**  
**y**

